

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:18-cv-00028-WGC

DANIEL HARRINGTON,
PAMELLA HARRINGTON,
NIGHTWATCH MARINE, LLC,

Plaintiff

v.

DAVID TACKETT,

Defendants

Order

Plaintiffs' Second Amended Complaint (SAC) asserts claims for breach of contract, unjust enrichment (in the alternative), conversion, and fraud/intentional misrepresentation against Tackett. (ECF No. 100.) Plaintiffs moved for partial summary judgment as to the breach of contract and fraud/intentional misrepresentation claims, and sought rescission of the contract under either theory. (ECF No. 118.)

On September 24, 2020, the court issued an order granting the motion as to the breach of contract action, and denying it as to the fraud/intentional misrepresentation claim, and determined that Plaintiffs were entitled to rescission of the contract. (ECF No. 124.)

On October 29, 2020, the court modified the order to reflect that Plaintiffs are entitled to return of the turquoise ore at Tackett's expense. (ECF No. 133.)

Plaintiffs confirmed that those orders effectively resolved the remaining claims for unjust enrichment and conversion. (ECF No. 127.)

Therefore, the Clerk shall enter judgment in favor of Plaintiffs Daniel Harrington, Pamella Harrington, and Nightwatch Marine, LLC, and against David Tackett on the breach of

1 contract claim. The judgment shall reflect that Plaintiffs are entitled to the return of the turquoise
2 ore at issue in this action at Tackett's expense.

3 The remaining claims are dismissed with prejudice.

4 **IT IS SO ORDERED.**

5 Dated: December 8, 2020

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7 William G. Cobb
8 United States Magistrate Judge
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